



# The Rendezvous

The Official Bulletin of the Idaho Outfitters and Guides  
Licensing Board

Fall ~ 2008

## **BOARD TO SIMPLIFY GUIDE LICENSING**

The Licensing Board has proposed rules that are designed to further streamline the guide licensing process. The concept incorporated in these rules came from a working group of industry and agency representatives who met during the summer of 2007. Moving forward was decided by the Board's during their August 2008 meeting.

These rule changes will require outfitters to continue verifying that their guides are properly trained; but will no longer require them to submit training documents to the Board for review and storage. Instead, training information will be kept by employing outfitters for a limited period. Training could be confirmed by the Board on a case by case basis such as when investigating accidents. These changes will result in greater efficiency in issuing licenses, and will allow the Board to focus on customer service.

A copy of the proposed rules is available on IOGLB's website under "Review Documents"

Anyone may submit written comments regarding the proposed rules. All written comments must be directed to the undersigned and must be delivered on or before October 10, 2008. Changes will be considered by the Board prior to the legislature reviewing the final rules.

## **BUYING AND SELLING AN OUTFITTER BUSINESS**

The buy/sell outfitter business process has been revised to better assist the industry when buying and selling an outfitter business.

There are several steps that the buyer can take to insure the application moves through the process quickly:

- Obtain a Buy/Sell User Manual found at [www.oglb.idaho.gov](http://www.oglb.idaho.gov) website under User Manuals Buying and Selling an Outfitter Business.
- Staff has simplified the list of required forms which are listed in the back of the manual. Refer to the "New Outfitters Purchasing a Business" or the

"Existing Outfitter Purchasing a Business" found in the back of that Manual. These forms detail the process of buying and selling an outfitting business.

- Recognize that nearly every sale must begin by contacting the Federal permitting agency.
- When preparing to sell an outfitter business, make sure that the selling outfitter is properly permitted by state or federal agencies in all areas to be included in the sale.
- Complete all paperwork in full and write clear and concise explanations.
- Know that buyers are required to provide a detailed map showing the operating area boundary along with a concise area description.
- Submit all paperwork at the same time.
- The sales contract must not refer to the outfitter license as "transferable" or as being sold. The business is being sold, not the license.
- Training is an often overlooked requirement for the new business. For example, before a new big game hunting business can be licensed, they must be able to license at least one person as a guide who has 10 days experience in the every license area. Similar training requirements apply to new outfitters hoping to be licensed on rivers, lakes, and for snowmobiling, skiing and many other licensed activities.
- Call Lori Thomason, IOGLB Office Manager if you have questions and she will help you through the process.
- Lori will be at the IOGA winter meeting to answer questions. A Buy/Sell training seminar is being planned.

## **ALLOCATION UPDATE**

The Allocation handbook has been recently modified and in doing so, the Board hopes to have made the process and handbook increasingly user friendly. Some highlights:

The third Wednesday in May is the IOGLB Cut-off Date. This is when unclaimed vouchers go into the pool and any outfitter in that area can ask for them starting June 1<sup>st</sup>. Vouchers can be requested up to and including July 31<sup>st</sup>, but they must be used by then. F&G will issue tags for resident vouchers (presented to F&G before July 31<sup>st</sup>) after July 31<sup>st</sup>.

Outfitters will continue to be billed for the number of vouchers they're allocated or for how many they've used, whichever is greater.

If releasing their leftover vouchers before the third Wednesday in May, and only if they are used by another outfitter, will the releasing outfitter will receive credit for the vouchers.

There is now a hardship exemption that is explained in detail in the revised handbook.

The updated version is on the IOGLB Website. You can also request one to be mailed to you.

Susan Knappek who coordinates the Allocation process will be at the IOGA conference this December to answer allocation questions. A panel discussion is also being planned.

### **WE WANT TO HEAR FROM YOU**

Have an idea, or suggestion?  
The best way to communicate with us is through e-mail.  
[licensing@oglb.idaho.com](mailto:licensing@oglb.idaho.com)  
You may also call at 208-327-7380.

## **ENFORCEMENT REPORT**

### **IOGLB Welcomes New Enforcement and Education Supervisor**

Pat Beale recently joined IOGLB as the Education and Enforcement Supervisor, with firsthand knowledge of the job having worked as a part-time Enforcement Agent for the OGLB in the mid 90's.

Originally from the state of Ohio, Pat worked for many summers as a raft guide in Wyoming and West Virginia. In 1985, Pat began an 8 year career with the Ohio Department of Natural Resources where he worked as a Park Ranger and State Watercraft Officer. In 1992, Pat moved to Idaho to accept a job with the State Department of Parks and Recreation

where he coordinated the state marine enforcement program. Pat was Director of the Ada County Parks and Waterways where he managed trails, open space, parks, and numerous boating facilities before coming to IOGLB.

With years of adult education experience, specializing in natural resource education, safety and enforcement, Pat brings with him a wealth of knowledge and practical experience.

If you would like to contact Pat, or have enforcement related questions, please call him at (208) 327-7167, or e-mail him at [pbeale@oglb.idaho.gov](mailto:pbeale@oglb.idaho.gov)

### **“Compliance through Cooperation”: The Fine Balance of Education and Enforcement – by Pat Beale**

In general most people are honest, hard working and well meaning. The majority of people make a good faith effort to learn the laws and not cross the line other than for minor mistakes and harmless transgressions. This applies to outfitters and guides, as well. Because the majority of licensees don't break the law it makes IOGLB's job easy. But, what about the others that run afoul? What do we do when people violate the law?

“It usually boils down to education issues. Either they didn't know the law or they didn't know we intend to enforce it”, says Pat Beale, IOGLB's new Education and Enforcement Supervisor. “Most people will do the right thing if they are given a chance.” Most officers, when faced with a violation, look at both the severity and intent. “I will instruct all IOGLB officers to approach people from the education perspective first. Being professional and showing them that IOGLB is open and approachable, allows the vast majority of problems to be corrected”, says Beale. The goal of the IOGLB is compliance. Getting there through education and cooperation is the smoothest course for everyone.

Although most outfitters follow the law closely, there are the few who take advantage and choose to break the rules. “Intent is everything”, says Beale. “If the act was intentional, a person lacks remorse, becomes abusive, or lies and is obstructive; they have made it clear that education won't work.” It is unfortunate that some people only take notice through citations or Board action. “I'm just glad that most people follow the law”, says Beale.

**BUDGET REPORT – FEE INCREASE** – After reviewing projected expenditures and revenues at the August meeting, the Board determined that a fee increase must be implemented on or before midyear 2010, otherwise or major cut backs will be required in 2011. As the result, the Board adopted a proposed spending plan and a proposed stepped fee increase

that would go into effect July 1<sup>st</sup> 2010. Further direction was provided to work with the industry on the implementation of the fee increase and to move forward with the statutory and rule changes during 2009 that would be implemented through the Governor's office and State Legislature during the 2010 Legislative Session.

## **OUTFITTER/GUIDE Q & A**

In every newsletter, a new topic will be reviewed to assist outfitters and guides in comprehending the major points of that topic. We are looking for topics for future newsletters. Please forward requests to [enforcement@oglb.state.id.us](mailto:enforcement@oglb.state.id.us).

This newsletter's topic is Booking Agent restrictions.

### ***What is a Booking Agent?***

A booking agent is any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation for that book service alone. A booking agent does **not** supply personnel or facilities and outfitted or guided services.

### ***What are the problems with Booking Agents?***

There is little concern with legitimate independent booking agents. Outfitters are encouraged to utilize booking agents who do not attempt to provide personnel, facilities, or service themselves and who stick to simply providing clients to the outfitter.

Web-based advertising has spawned a new generation of inappropriate third party arrangements. There are instances where designated agents or guides, working for one or more outfitters are advertising independently as booking clients, who take payment and then provide facilities and services. By doing this, they have become engaged in the very acts that are limited only to outfitters.

### ***Can my guide advertise for me?***

Yes, guides can manage the outfitter's website, arrange advertisement, or represent the outfitter at sports shows. They must advertise using only the employing outfitters contact information including addresses, phone numbers, and e-mail addresses and they may not advertise independently. They may provide services to clients they arraigned for this outfitter provided the booking is made by the outfitter.

### ***Can my guide deduct a booking fee from fees they've collected for me?***

No. Please refer to a guidance letter available at <http://www.oglb.idaho.gov> for details on employment requiriements.

## ***Can an Outfitter operate a booking service?***

Yes, with some restrictions. Being licensed as an outfitter in Idaho takes precedence over being an independent booking agent.

Licensed outfitters advertising activities, services or in areas for which they are not licensed may be construed as misleading the public and likely could be a violation of state law. However, Outfitters are free to advertise and promote other outfitters specifically and the services they provide. In doing so, all final arrangements and fees must be collected by the outfitter providing the service and a commission can later be paid to the outfitter for their booking service. The outfitter responsible for the operation, facilities, and services must be clear to the public in all advertisements and only that licensed outfitter may provide the service advertised.

Outfitters are free to enter into mutual arrangements in which they provide services to the same party but in doing so, they must provide the services independently within their respective operating areas. See IOGLB's rules on line at [www.oglb.idaho.gov](http://www.oglb.idaho.gov).

### ***As a Booking Agent, can I be employed by an Outfitter as their guide and provide a trip that I booked for them.***

No, any employee of an outfitter, such as a Designated Agent or Guide, also conducting business independently as a booking agent, cannot provide guided services to the clients they have solicited or booked for their employing outfitter. Doing so would constitute an illegal third party arrangement.

### ***Is this something new?***

No. This is not a newly created policy. In fact, the statute and rules relative to employment requirements, outfitters' involvement with booking agents and third party arrangements being discussed have been in place for nearly twenty years.

### ***Has there been misinformation in the past?***

Yes, guidance on similar matters in the past did not fully consider all factors. As the result, in the fall of 2007 the Board determined that this overall matter required greater clarification and provided a guidance letter available at <http://www.oglb.idaho.gov>.

## **STRATEGIC PLAN**

As the result of a comprehensive survey conducted by the Board this spring involving the industry, the permitting agencies and the public, the Board has updated its strategic plan.

The response to the survey was outstanding. The Board received responses from 181 outfitters (48% of the licensed outfitters), 48 state or federal administrators with industry oversight (43% of those surveyed), and 76 clients or public with industry connections (34% of the previously guided public who were surveyed). The general goals & strategies which have come out of this process include:

- Improve customer service and communication. Establish an advocacy philosophy for individual clients.
- Improve the efficiency of the overall licensing process to further reduce "red tape." Provide training opportunities.
- Work with the IOGLB's industry advocate groups to assess public perceptions and develop strategies to improve the image of the industry.
- Show leadership in addressing unlicensed outfitting and guiding activities in the state of Idaho, including illegal third party arrangements.
- Identify and consistently address serious violations by outfitter/guides.
- Increase the scope and effectiveness of the educational program in such a way as to increase industry awareness of the Outfitters and Guides Act and its varied requirements.
- Outfitter user manuals, particularly in the areas of outfitter business sales must be enhanced and training provided.
- Work with industry leaders to identify superfluous activities and modify them to meet the needs the industry, and the capabilities of the agency.

- Develop and implement an Education and Enforcement Division operation plan.
- Work with the partnering agencies to identify opportunities where conflicts with non-outfitted users can be minimized.
- Work with the state and federal resource agencies and the industry in deciding what to do with the consumptive side of the industry when populations of fish and wildlife are declining,
- Clarify existing statutes and rules.
- Interact with industry advocacy groups and partnering agencies to enhance enforcement and education efforts.
- Encourage aggressive efforts on behalf of county prosecuting attorneys to pursue unlicensed activities.
- Promote efforts with state and federal agencies that will enhance each agency's ability to conduct more effective enforcement efforts.
- Manage resources effectively so that education/enforcement efforts can be maintained during the entire fiscal year.
- Ensure that all enforcement agents have the necessary training, education, and physical capabilities to effectively explain and enforce state statutes, rules, and policies.

IOGLB's website is [www.oglb.idaho.gov](http://www.oglb.idaho.gov)